



Alexander Razinski, sworn to June 21, 2021 (the “Alexander Affidavit”) and Tanya Razinski, sworn to June 21, 2021 (the “Tanya Affidavit”).

2. Mr. and Mrs. Razinski object to an award of the contractual attorney's fees sought herein on both factual and legal basis.

3. Factually, Mrs. Razinski in the Tanya Affidavit questions the reasonableness of certain time charges as well as the reasonableness of the hourly rate that were charged to the plaintiff. Mr. Razinski in his affidavit also makes generalized objections to the reasonableness of the fees.

4. In an effort to dispel any such objections and to lessen the burden on this Court, I will reduce my fees by every amount to which the Razinski object. As set forth in the Tanya Affidavit (See Tanya Affidavit ¶¶ 14-17) and summarized at page 11 of the Memorandum in Opposition of Mr. and Mrs., Razinski, dated June 21, 2021, the total amount to which they object is \$43,580.73<sup>1</sup>, and I will reduce the amount sought herein by such amount to \$56,826.16.

5. Even if this Court determines that this reduced amount is not reasonable, Plaintiff asks for an award that this Court deems to be a reasonable fee.

6. While parties may enter evidence to establish the reasonableness of an hourly rate, the Court may also undertake its own analysis considering above all else what “a

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<sup>1</sup> The bulk of this reduction is for the fees of my associate in preparing the motion for summary judgment. Unfortunately, these charges were not broken down by specific efforts and the time expended. The time spent on this motion was very real, but as the time was not broken down, plaintiff will waive any claim to this amount.

reasonable, paying client would be willing to pay.” *Arbor Hill Concerned Citizens Neighborhood Ass’n v. County of Albany*, 522 F.3d 182, 184 (2d Cir. 2008).

7. In fact, “courts may use their ‘considerable discretion’ and weigh all case-specific variables, bearing in mind that a reasonable paying client wishes to spend the minimum amount necessary.” *Mango v. BuzzFeed, Inc.*, 397 F.Supp.3d 368 (S.D.N.Y. 2019).

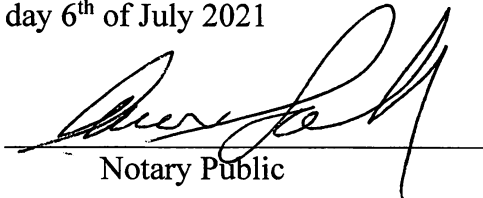
8. We therefore ask that the Court utilize its discretion to determine a reasonable rate. This will limit the additional attorney’s fees that Plaintiff will have to expend and mitigate Defendants’ concerns addressed in their opposing papers.

9. As to the remaining objections of Mr. and Mrs. Razinski, this Court is respectfully referred to Plaintiff’s Reply Memorandum of Law submitted contemporaneously.

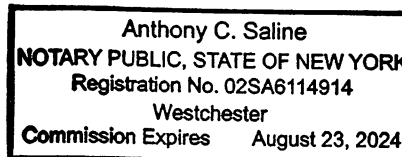


Mitchell J. Baker

Sworn to before me this  
day 6<sup>th</sup> of July 2021



Notary Public



**AFFIRMATION OF SERVICE**

MITCHELL J. BAKER, an attorney duly admitted to practice before the Courts of the State of New York, hereby affirms the following to be true pursuant to Civil Practice Law and Rules Section 2106:

1. I am over eighteen (18) years of age and am not a party to this action. I reside in Irvington, New York.

2. On July 6, 2021, I served the within Reply Affidavit and Reply Memorandum of Law by depositing a true copies thereof in sealed envelope, postage pre-paid, within an official depository of the United States Postal Service located in the City of White Plains, State of New York, in an envelopes addressed to:

Alexander Razinski  
PO Box 8184  
White Plains, New York 10602

Tanya Razinski  
PO Box 8184  
White Plains, New York 10602

Dated: White Plains, New York  
July 6, 2021

A handwritten signature in black ink, appearing to read 'MJB', is written over a horizontal line.

MITCHELL J. BAKER